

2007 ASSEMBLY BILL 939

Note to editors: Re ss. 77.71 (1) to (4), 77.73 (2), and 77.75
I think revising cty can merge these provisions

March 11, 2008 - Introduced by Representative Vos. Referred to Committee on Transportation.

LPS: Please PWF

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1 AN ACT **to renumber** 345.05 (1) (a); **to amend** 32.05 (1) (a), 32.07 (2), 40.02 (28),
2 59.58 (6) (title) and (a) 1., 66.0301 (1) (a), 67.01 (5), 70.11 (2), 71.26 (1) (b),
3 chapter 77 (title), subchapter V (title) of chapter 77 [precedes 77.70], 77.71
4 (intro.), 77.71 (1), 77.71 (2), 77.71 (3), 77.71 (4), 77.73, 77.76 (1), 77.76 (2), 77.76
5 (4), 77.77, 77.78, 345.05 (2) and 611.11 (4) (a); **to repeal and recreate** 40.02
6 (28); and **to create** 20.566 (1) (gc), 20.835 (4) (gc), 66.1039, 77.54 (9a) (er),
7 77.708, 77.76 (3r), 77.76 (5) and 345.05 (1) (ag) of the statutes; **relating to:** the
8 creation of regional transit authorities, requiring a referendum, and making
9 appropriations.

Analysis by the Legislative Reference Bureau

This bill allows most cities, towns, villages, and counties (political subdivisions) to create regional transit authorities (RTAs), which are public bodies corporate and politic that are separate governmental entities. The governing bodies of two or more political subdivisions may join together (participating political subdivisions) to jointly create an RTA by adopting identical resolutions (authorizing resolutions), except that, in a county that contains a 1st class city, only the county and not any municipality within the county may be a participating political subdivision of the

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RTA. If an RTA includes a county other than a county containing a 1st class city, the RTA must also include at least one municipality within that county. If an RTA has already been formed, additional political subdivisions may join the RTA by adopting authorizing resolutions identical to the original authorizing resolutions if all participating political subdivisions of the RTA also adopt resolutions allowing the additional political subdivisions to join the RTA. An RTA may only be formed if the combined population of all participating political subdivisions of the RTA is at least 50,000. Participating political subdivisions may generally amend or modify their authorizing resolutions, including to allow a new political subdivision to join the RTA, if, after any amendment or modification, the authorizing resolutions of all participating political subdivisions remain identical. Additional requirements apply if the RTA will be authorized to develop, construct, or operate a fixed-route transit system, including that the combined population of all participating political subdivisions of the RTA must be at least 375,000 and that the RTA must include at least five participating political subdivisions having a population of at least 10,000 each. Any RTA authorizing resolution must contain certain information, including all of the following:

1. The name of the RTA and a description or map of its jurisdictional area. "Jurisdictional area" is defined as the geographic area formed by the combined territorial boundaries of all participating political subdivisions except that, for a county other than a county containing a 1st class city, it includes only that portion of the county that is within the territorial boundaries of cities, villages, and towns in the county that are participating political subdivisions.

2. The purpose of the RTA and the functions or services to be provided by the RTA.

3. The powers, duties, and limitations of the RTA.

4. The establishment and organization of a board of directors, in which all powers of the RTA are vested, the voting requirements for action by the board of directors, and the duties of the board of directors.

5. The manner of selection, powers, and duties of the RTA's officers.

6. The method of financing the formation and operation of the RTA.

7. If authorized, the maximum rate of the sales and use tax, not exceeding the statutory limit, that may be imposed by the RTA. The resolution must also include or refer to a transit plan for the RTA and this authorized rate of the sales and use tax may not exceed the rate determined necessary under the transit plan.

8. A procedure by which a participating political subdivision may withdraw from the RTA and provisions for the disposition or distribution of any property, assets, and obligations of the RTA on withdrawal of a participating political subdivision from the RTA or on dissolution of the RTA.

9. Whether the RTA will develop, construct, or operate a fixed-route transit system and, if so, the maximum amount of the sales and use tax rate that may be allocated by the RTA for expenditures related to this fixed-route transit system.

10. Any limitation on, or any approval required prior to, the RTA's exercise of its power of condemnation.

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In political subdivisions other than most counties, and in counties containing a 1st class city the governing body of the political subdivision must approve by at least a majority vote the authorizing resolution creating or joining an RTA and, upon such approval, the authorizing resolution must be ratified by the electors at a referendum held in the political subdivision at a spring or general election. The referendum question must reference the maximum rate of the sales and use tax that may be imposed by the RTA, as specified in the authorizing resolution. A county board, other than the board of a county containing a 1st class city, must approve an authorizing resolution creating or joining an RTA by a two-thirds vote of the members of the county board and no referendum is required to ratify the county board's resolution. Also, at least 30 days before approving an authorizing resolution, the governing body of a political subdivision must hold a public hearing on the resolution. If a resolution creating or joining an RTA authorizes the RTA to develop, construct, or operate a fixed-route transit system, the referendum question must also reference this fact and include the maximum amount of the sales and use tax rate that may be allocated by the RTA for expenditures related to this fixed-route transit system, as specified in the authorizing resolution. If an authorizing resolution is amended or modified to change the RTA's authorized maximum rate of sales and use tax or to add authority for the RTA to develop, construct, or operate a fixed-route transit system, the amendment or modification must be approved by referendum. A change to the authorized tax rate requires unanimous approval by all participating political subdivisions of the RTA, while the addition of fixed-route transit system authority requires approval by at least five participating political subdivisions of the RTA having a population of at least 10,000 each.

An RTA may do all of the following:

1. Establish or acquire a comprehensive unified local transportation system, which is a transportation system comprised of bus lines and other public transportation facilities generally within the jurisdictional area of the RTA. "Transportation system" is defined to include land, structures, equipment, and other property for transportation of passengers, including by bus, rail, or other form of mass transportation. The RTA may operate this transportation system or provide for its operation by another. The RTA may contract with a public or private organization to provide transportation services in lieu of directly providing these services and may purchase and lease transportation facilities to public or private transit companies. With an exception, an RTA may not directly or by contract provide service outside the RTA's jurisdictional area.

2. Coordinate specialized transportation services for persons who are disabled or aged 60 or older.

3. Own or lease real or personal property.

4. Acquire property by condemnation.

5. Enter upon highways to install, maintain, and operate the RTA's facilities.

6. Impose, by the adoption of a resolution by the board of directors, a sales and use tax in the RTA's participating political subdivisions at a rate of not more than 0.5 percent of the gross receipts or sales price or, if lower, not to exceed the maximum rate established by the authorizing resolution. Except with respect to a county containing

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a 1st class city, this sales and use tax may not be imposed in any municipality within a county that is a participating political subdivision of an RTA unless the municipality is also a participating political subdivision of the RTA. In a county that is a participating political subdivision and that contains a 1st class city, the tax is imposed countywide.

7. Incur debts and obligations. An RTA may issue tax-exempt revenue bonds, secured by a pledge of any income or revenues from any operations or other source of moneys for the RTA. The bonds of an RTA are not a debt of its participating political subdivisions and neither the participating political subdivisions nor the state are liable for the payment of the bonds. Bond proceeds, except those derived from refunding bonds, may be used only for capital expenditures related to the acquisition of transit system equipment having a useful life of at least five years.

8. Set fees and charges for functions, facilities, and services provided by the RTA.

9. Adopt bylaws and rules to carry out the powers and purposes of the RTA.

10. Sue and be sued in its own name.

11. Employ agents, consultants, and employees, engage professional services, and purchase furniture, supplies, and materials reasonably necessary to perform its duties and exercise its powers.

12. Invest funds not required for immediate disbursement.

13. Do and perform any authorized acts by means of an agent or by contracts with any person.

14. Exercise any other powers that the board of directors considers necessary and convenient to effectuate the purposes of the RTA, including providing for passenger safety.

The board of directors of an RTA must annually prepare a budget for the RTA. Rates and other charges received by the RTA must be used only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for specific purposes of the RTA and may not be transferred to any political subdivision. The RTA must maintain an accounting system in accordance with generally accepted accounting principles and must have its financial statements and debt covenants audited annually by an independent certified public accountant.

An RTA that acquires a transportation system must assume all of the employer's obligations under any contract between the employees and management of the system to the extent allowed by law. An RTA that acquires, constructs, or operates a transportation system must negotiate an agreement with the representative of the labor organization that covers the employees affected by the acquisition, construction, or operation to protect the interests of employees affected, and that agreement must include specified provisions. Employees of the RTA are participatory employees under the Wisconsin Retirement System (WRS) if the RTA elects to join the WRS.

A participating political subdivision may withdraw from an RTA if: (1) the governing body of the political subdivision adopts a resolution requesting withdrawal from the RTA and the resolution is approved by referendum; (2) the

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political subdivision has paid, or made provision for the payment of, all obligations of the political subdivision to the RTA; and (3) any authorized sales and use tax that is levied by the RTA within the political subdivision continues to be levied for the period of time for which the tax is authorized. If a political subdivision withdraws from an RTA, the political subdivision continues to receive transportation services from the RTA for so long as the sales and use tax continues to be levied in the political subdivision.

An RTA may be dissolved if a majority of the participating political subdivisions adopt resolutions recommending the dissolution of the RTA. Dissolution of an RTA may not occur until adequate provision has been made for payment of the RTA's outstanding indebtedness, including outstanding revenue bonds. Dissolution of an RTA, and withdrawal of a political subdivision from an RTA, is subject to provisions of the authorizing resolutions relating to, respectively, dissolution or withdrawal.

A participating political subdivision may make an initial contribution of funds to an RTA at the time the RTA is formed or at the time the political subdivision joins an existing RTA. Thereafter, the political subdivision may not use any locally generated revenue, including property taxes or sales taxes other than those authorized for the RTA under its authorizing resolution, for purposes of funding any transit system, including to transfer additional funds to the RTA. However, this prohibition does not apply to transit or program aids that may be available to a participating political subdivision from the federal government or the state Department of Transportation for transfer to, use by, or the benefit of the RTA.

Current law provides limited immunity for cities, villages, towns, counties, and other political corporations and governmental subdivisions, and for officers, officials, agents, and employees of these entities, for acts done in an official capacity or in the course of employment. Claimants must generally follow a specified claims procedure and liability for damages is generally limited to \$50,000 except that no liability may be imposed for performance of a discretionary duty or for punitive damages. If a person suffers damage resulting from the negligent operation of a motor vehicle owned and operated by a county, city, village, town, school district, sewer district, or other political subdivision of the state in the course of its business, the person may file a claim for damages following this claims procedure and the amount of damages recoverable is limited to \$250,000. This bill specifies that this provision related to claims and liability for negligent operation of a motor vehicle by a political subdivision applies to an RTA.

The bill also allows RTAs to participate in organizing municipal insurance mutuals to provide insurance and risk management services.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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5 note
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ASSEMBLY BILL 939**SECTION 1**

Insert
6-1 →

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

② → ⁹ ¹⁰ ¹⁰ ¹¹
~~2007-08~~ ~~2008-09~~

20.566 Revenue, department of

(1) COLLECTION OF TAXES

(gc) Administration of transit author-

ity taxes

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SECTION 2. 20.566 (1) (gc) of the statutes is created to read:

20.566 (1) (gc) *Administration of transit authority taxes.* From the moneys received from the appropriation account under s. 20.835 (4) (gc), the amounts in the schedule for the purpose of administering the transit authority taxes imposed under s. 77.708. Notwithstanding s. 20.001 (3) (a), at the end of ^{each} the fiscal year the unencumbered balance in this appropriation account shall be transferred to the appropriation account under s. 20.835 (4) (gc).

SECTION 3. 20.835 (4) (gc) of the statutes is created to read:

20.835 (4) (gc) *Transit authority taxes.* All moneys received from the taxes imposed under s. 77.708, and from the appropriation account under s. 20.566 (1) (gc), for the purpose of distribution to the transit authorities that adopt a resolution imposing taxes under subch. V of ch. 77, except that 1.5 percent of those tax revenues collected under subch. V of ch. 77 shall be credited to the appropriation account under s. 20.566 (1) (gc).

SECTION 4. 32.05 (1) (a) of the statutes is amended to read:

32.05 (1) (a) Except as provided under par. (b), a county board of supervisors or a county highway committee when so authorized by the county board of

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1 supervisors, a city council, a village board, a town board, a sewerage commission
2 governing a metropolitan sewerage district created by ss. 200.05 or 200.21 to 200.65,
3 the secretary of transportation, a commission created by contract under s. 66.0301,
4 a joint local water authority created by contract under s. 66.0823, a transit authority
5 created under s. 66.1039, a housing authority under ss. 66.1201 to 66.1211, a local
6 exposition district created under subch. II of ch. 229, a local cultural arts district
7 created under subch. V of ch. 229, a redevelopment authority under s. 66.1333 or a
8 community development authority under s. 66.1335 shall make an order providing
9 for the laying out, relocation and improvement of the public highway, street, alley,
10 storm and sanitary sewers, watercourses, water transmission and distribution
11 facilities, mass transit facilities, airport, or other transportation facilities, gas or
12 leachate extraction systems to remedy environmental pollution from a solid waste
13 disposal facility, housing project, redevelopment project, cultural arts facilities,
14 exposition center or exposition center facilities which shall be known as the
15 relocation order. This order shall include a map or plat showing the old and new
16 locations and the lands and interests required. A copy of the order shall, within 20
17 days after its issue, be filed with the county clerk of the county wherein the lands are
18 located or, in lieu of filing a copy of the order, a plat may be filed or recorded in
19 accordance with s. 84.095.

20 **SECTION 5.** 32.07 (2) of the statutes is amended to read:

21 32.07 (2) The petitioner shall determine necessity if application is by the state
22 or any commission, department, board or other branch of state government or by a
23 city, village, town, county, school district, board, commission, public officer,
24 commission created by contract under s. 66.0301, joint local water authority under
25 s. 66.0823, transit authority created under s. 66.1039, redevelopment authority

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SECTION 5

1 created under s. 66.1333, local exposition district created under subch. II of ch. 229,
2 local cultural arts district created under subch. V of ch. 229, housing authority
3 created under ss. 66.1201 to 66.1211 or for the right-of-way of a railroad up to 100
4 feet in width, for a telegraph, telephone or other electric line, for the right-of-way
5 for a gas pipeline, main or service or for easements for the construction of any
6 elevated structure or subway for railroad purposes.

7 **SECTION 6.** 40.02 (28) of the statutes, as affected by 2007 Wisconsin Act 20 is
8 amended to read:

9 40.02 (28) "Employer" means the state, including each state agency, any
10 county, city, village, town, school district, other governmental unit or
11 instrumentality of 2 or more units of government now existing or hereafter created
12 within the state, any federated public library system established under s. 43.19
13 whose territory lies within a single county with a population of 500,000 or more, a
14 local exposition district created under subch. II of ch. 229, a transit authority created
15 under s. 66.1039, and a long-term care district created under s. 46.2895, except as
16 provided under ss. 40.51 (7) and 40.61 (3) and subch. X. "Employer" does not include
17 a local cultural arts district created under subch. V of ch. 229. Each employer shall
18 be a separate legal jurisdiction for OASDHI purposes.

19 **SECTION 7.** 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act 65 and
20 2007 Wisconsin Act 20 and ^{2009 Wisconsin Act} (this act), is repealed and recreated to read:

21 40.02 (28) "Employer" means the state, including each state agency, any
22 county, city, village, town, school district, other governmental unit or
23 instrumentality of 2 or more units of government now existing or hereafter created
24 within the state, any federated public library system established under s. 43.19
25 whose territory lies within a single county with a population of 500,000 or more, a

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1 local exposition district created under subch. II of ch. 229, a transit authority created
2 under s. 66.1039, and a long-term care district created under s. 46.2895, except as
3 provided under ss. 40.51 (7) and 40.61 (3). “Employer” does not include a local
4 cultural arts district created under subch. V of ch. 229. Each employer shall be a
5 separate legal jurisdiction for OASDHI purposes.

6 **SECTION 8.** 59.58 (6) (title) and (a) 1. of the statutes are amended to read:

7 59.58 **(6)** (title) ~~REGIONAL~~ KENOSHA-RACINE-MILWAUKEE REGIONAL TRANSIT
8 AUTHORITY.

9 (a) 1. “Authority” means the Kenosha-Racine-Milwaukee regional transit
10 authority.

11 **SECTION 9.** 66.0301 (1) (a) of the statutes, as affected by 2007 Wisconsin Acts
12 20 and 43, is amended to read:

13 66.0301 **(1)** (a) Except as provided in pars. (b) and (c), in this section
14 “municipality” means the state or any department or agency thereof, or any city,
15 village, town, county, school district, public library system, public inland lake
16 protection and rehabilitation district, sanitary district, farm drainage district,
17 metropolitan sewerage district, sewer utility district, solid waste management
18 system created under s. 59.70 (2), local exposition district created under subch. II of
19 ch. 229, local professional baseball park district created under subch. III of ch. 229,
20 local professional football stadium district created under subch. IV of ch. 229, a local
21 cultural arts district created under subch. V of ch. 229, transit authority created
22 under s. 66.1039, long-term care district under s. 46.2895, water utility district,
23 mosquito control district, municipal electric company, county or city transit
24 commission, commission created by contract under this section, taxation district,
25 regional planning commission, or city-county health department.

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SECTION 10

1 SECTION 10. 66.1039 of the statutes is created to read:

2 **66.1039 Transit authorities. (1) DEFINITIONS.** In this section:

3 (a) "Authority" means a transit authority created under this section.

4 (b) "Bonds" means any bonds, interim certificates, notes, debentures, or other
5 obligations of an authority issued under this section.

6 (c) "Common carrier" means any of the following:

7 1. A common motor carrier, as defined in s. 194.01 (1).

8 2. A contract motor carrier, as defined in s. 194.01 (2).

9 3. A railroad subject to ch. 195, as described in s. 195.02 (1) and (3).

10 4. A water carrier, as defined in s. 195.02 (5).

11 (d) "Comprehensive unified local transportation ^{transit} system" means a
12 transportation system that is comprised of motor bus lines and any other local public
13 transportation facilities, the major portion of which is located within, or the major
14 portion of the service of which is supplied to the inhabitants of, the jurisdictional area
15 of the authority.

16 (e) "Fixed-route transit system" means a mass transit system providing
17 passenger rail, commuter rail, light rail, or trolley service or otherwise providing
18 mass transit service on a fixed guideway or dedicated right-of-way, but does not
19 include bus service in dedicated highway lanes.

20 (f) 1. Except as provided in subd. 2., "jurisdictional area" means the geographic
21 area formed by the combined territorial boundaries of all participating political
22 subdivisions.

23 2. For a participating political subdivision that is a county, "jurisdictional area"
24 includes only that portion of the county that is within the territorial boundaries of
25 municipalities in the county that are also participating political subdivisions except

the county jurisdictional area.

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that, for a county containing a 1st class city, "jurisdictional area" includes the entire geographic area formed by the territorial boundaries of that county.

(g) "Municipality" means any city, village, or town except a city, village, or town

located in a county containing a 1st class city.

(h) "Participating political subdivision" means a political subdivision that has adopted a resolution creating an authority or joining an established authority under this section.

(i) "Political subdivision" means a municipality or county.

(j) "~~Transportation~~ ^{Transit} system" means all land, shops, structures, equipment, property, franchises, and rights of whatever nature required for ~~transportation~~ ^{transit} of passengers within the jurisdictional area of the authority and only to the extent

specifically authorized under this section, outside the jurisdictional area of the authority. "~~Transportation~~ ^{Transit} system" includes elevated railroads, subways,

underground railroads, motor vehicles, motor buses, and any combination thereof, and any other form of mass ~~transportation~~ ^{transit}, but does not include transportation excluded from the definition of "common motor carrier" under s. 194.01 (1) ^{or} charter or contract operations to, from, or between points that are outside the jurisdictional area of the authority ^{or travel by aircraft flight} and (j) ^{and (j)}

(2) CREATION OF TRANSIT AUTHORITIES. (a) Subject to pars. (g) ^{and (i)}, the governing body of a political subdivision may, by resolution, declare the need for an authority to function in the political subdivision and may join ^{GET} ~~together~~ with one or more other political subdivisions to jointly create, by adopting identical resolutions, a public body corporate and politic in these political subdivisions. This public body shall be a separate governmental entity and shall be known as a "regional transit authority."

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SECTION 10

1 The authority may transact business and exercise any powers granted to it under
2 this section.

3 (b) Subject to par. (g) and (i), if an authority has been created under par. (a),
4 a political subdivision may join this authority if the governing body of this political
5 subdivision adopts a resolution identical to the ^{existing identical} resolutions ~~creating the authority~~
6 ^{of the} ~~and all~~ participating political subdivisions ^{the authority and} of the authority adopt ^s ~~resolutions~~
7 allowing this political subdivision to join the authority.

8 (c) Any resolution under pars. (a) and (b) creating or joining an authority shall
9 specify all of the following:

10 1. The name of the authority and a description or map of its jurisdictional area.
11 2. The purpose of the authority and the functions or services to be provided by
12 the authority.

13 3. The powers, duties, and limitations of the authority.

14 4. The establishment and organization of a board of directors, in which all
15 powers of the authority shall be vested. The resolution may permit the board of
16 directors to create an executive committee of the board of directors to assist the board
17 of directors in exercising its powers and duties, but these powers and duties may only
18 be carried out by action of the board in compliance with subd. 7. ✓

19 5. The number of directors, the manner of their appointment, the terms of their
20 office, their compensation, if any, and the procedure for filling vacancies on the board
21 of directors.

22 6. The manner of selection of the officers of the authority and their powers,
23 duties, and limitations.

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1 7. The voting requirements for action by the board of directors. At least a
2 majority vote of the authorized directors is necessary for any action to be taken by
3 the board of directors.

4 8. The duties of the board of directors, including the obligation to comply with
5 this section and the laws of this state and with the terms of the resolutions adopted
6 under this section.

7 9. Subject to sub. (14), the method of financing the formation and operation of
8 the authority.

9 10. If taxes may be imposed by the authority under sub. ⁽⁴⁾~~(3)~~ (s), the maximum
10 rate of the taxes that may be imposed by the authority under sub. ⁽⁴⁾~~(3)~~ (s), not to exceed

11 the maximum rate specified in s. 77.708 (1). The rate of the taxes that may be
12 imposed by the authority under sub. ⁽⁴⁾~~(3)~~ (s) shall be uniform among the participating

13 political subdivisions of the authority. The resolution shall also include a transit
14 plan, or reference a transit plan set forth in detail elsewhere, for the authority for at
15 least the following 5-year period, and the maximum rate of the taxes specified in the
16 resolution as required under this subdivision may not exceed the rate determined
17 necessary under the transit plan.

18 ⁽¹³⁾~~12~~ 11. Subject to sub. ⁽¹³⁾~~(12)~~, a procedure by which a participating political
19 subdivision may withdraw from the authority and provisions for the disposition,
20 division, or distribution of any property, assets, and obligations of the authority on
21 withdrawal of a participating political subdivision or on dissolution of the authority.

22 12. Whether the authority will develop, construct, or operate a fixed-route
23 transit system and, if so, the maximum amount of the tax rate authorized under
24 subd. 10. that may be allocated by the authority for expenditures related to this
25 fixed-route transit system.

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SECTION 10

1 13. Any limitation on, or any approval required prior to, the authority's exercise
2 of its power of condemnation.

3 (d) 1. Subject to par. (e), ^{of a} any resolution of a county board under pars. (a) and ^{or}
4 (b), ^{except by the board of a county containing a 1st class city,} shall be approved by
5 a two-thirds vote of the members of the county board. Except for a county containing
6 a 1st class city, a county is not subject to subd. 2.

7 2. Except as provided in subd. 1. and subject to par. (e), ~~any resolution under~~
8 ~~pars. (a) and (b) shall be approved by at least a majority vote of the members of the~~
9 ~~governing body of the political subdivision and upon such approval shall be ratified~~
10 ~~by the electors at a referendum held in the political subdivision.~~ ^{the area of} The referendum

11 ~~shall be submitted to the electors at the next spring or general election, if the election~~
12 ~~is more than 6 weeks after the date the political subdivision adopted the resolution~~
13 ~~or, if there are 6 weeks or less before the election, at the next election thereafter.~~ The

14 governing body of the political subdivision may ^{also require that the resolution} ~~not order a special election for the~~
15 ~~purpose of voting on the referendum. The referendum question on the referendum~~
16 ~~ballot shall include the maximum tax rate under par. (c) 10. specified in the~~
17 ~~resolution approved by the governing body of the political subdivision. If the~~
18 ~~resolution creating or joining an authority is approved in the referendum, the~~
19 ~~resolution may take effect. If the resolution creating or joining an authority is not~~
20 ~~approved in the referendum, the resolution may not take effect.~~

21 (e) At least 30 days before approving a resolution under par. (a) or (b), the
22 governing body of a political subdivision shall hold a public hearing on the resolution.
23 Notice of the hearing shall be published as a class 3 notice under ch. 985.

24 (f) A political subdivision may not be a participating political subdivision in
25 more than one authority.

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1 (g) If an authority created under par. (a) includes as a participating political
2 subdivision a county, the authority shall also include at least one municipality within
3 that county. This paragraph does not apply to a county containing a 1st class city.

4 (h) An authority may not be created under par. (a) unless the combined
5 population of all participating political subdivisions of the authority is at least
6 50,000. In calculating the combined population under this paragraph, the
7 population of a county may not be considered unless the county contains a 1st class
8 city.

9 (i) An authority may not develop, construct, or operate a fixed-route transit
10 system unless all of the following apply:

11 1. Any resolution under par. (a) or (b) authorizes the authority to develop,
12 construct, or operate a fixed-route transit system and each requirement under par.
13 (c) 12. is satisfied.

14 2. The referendum question specified in par. (d) 2. is a single question and, in
15 addition to including the information specified in par. (d) 2., states that the authority
16 is authorized to develop, construct, or operate a fixed-route transit system and
17 includes the maximum amount of the authorized tax rate that may be allocated by
18 the authority for expenditures related to this fixed-route transit system, as specified
19 in the resolution approved by the governing body of the political subdivision.

20 3. Notwithstanding par. (h), the combined population of all participating
21 political subdivisions of the authority is at least 375,000. In calculating the combined
22 population under this subdivision, the population of a county may not be considered
23 unless the county contains a 1st class city.

24 4. The authority includes at least 5 participating political subdivisions having
25 a population of at least 10,000 each.

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(1) (h) Subject to subd. 2, if an authority has been created under this subsection, the participating political subdivisions of the authority may amend or modify their original resolutions creating or joining the authority if, after any amendment or modification, the resolutions of all participating political subdivisions of the authority remain identical and continue to satisfy the requirements under this section for the creation of an authority, except the requirement under par. (e). Any such amendment or modification of the original resolutions creating or joining the authority does not create a new authority unless specifically provided otherwise in the amendment or modification, even if the amendment or modification is undertaken for the purpose of including additional participating political subdivisions in the authority. No resolution may be amended or modified unless, at

the time of the amendment or modification, the requirements under par. (h) and, if applicable, under par. (i) 3. and 4., continue to be satisfied.

2. The amendment or modification under subd. 1. of the original resolutions creating or joining an authority is not subject to ratification by referendum under par. (d) 2. unless the amendment or modification includes any of the following:

a. A change to the tax rate specified in par. (c) 10. The amendment or modification under this subd. 2. a. may not take effect unless it is approved in the referendum in each participating political subdivision of the authority.

b. If the original resolutions creating or joining the authority did not include the authorization under par. (i) 1., the addition of authorization to develop, construct, or operate a fixed-route transit system under par. (i) 1. The amendment or modification under this subd. 2. b. may not take effect unless the requirements under par. (i) are satisfied and the amendment or modification is approved in the

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1 referendum in at least 5 participating political subdivisions of the authority having
2 a population of at least 10,000 each.

3 ^(B) ~~(A)~~ ⁽³⁾ POWERS. Notwithstanding s. 59.84 (2) and any other provision of this
4 chapter or ch. 59 or 85, but subject to sub. (2) (c) 13. and (i), an authority may do all
5 of the following:

6 (a) Establish, maintain, and operate a comprehensive unified local
7 ~~transportation~~ system primarily for the transportation of persons.

8 (b) Acquire a comprehensive unified local ~~transportation~~ system by purchase,
9 condemnation under s. 32.05, or otherwise and provide funds for the operation and
10 maintenance of the system. Upon the acquisition of a comprehensive unified local
11 ~~transportation~~ system, the authority may:

12 1. Operate and maintain it or lease it to an operator or contract for its use by
13 an operator.

14 2. Contract for superintendence of the system with an organization that has
15 personnel with the requisite experience and skill.

16 3. Delegate responsibility for the operation and maintenance of the system to
17 an appropriate administrative officer, board, or commission of a participating
18 political subdivision.

19 4. Work with the department of transportation to Maintain and improve railroad rights-of-way and improvements on these
20 rights-of-way for future transit use.

21 (c) Contract with a public or private organization to provide ~~transportation~~
22 services in lieu of directly providing these services.

23 (d) Purchase and lease ~~transportation~~ transit facilities to public or private transit
24 companies that operate within and outside the jurisdictional area.

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(1) (e) Apply for federal aids to purchase transportation facilities considered
(2) essential for the authority's operation. or other transit or operate a transit system

(3) (f) Coordinate specialized transportation services, as defined in s. 85.21 (2) (g),
(4) for residents who reside within the jurisdictional area and who are disabled or aged
5 60 or older, including services funded under 42 USC 3001 to 3057n, 42 USC 5001, and
6 42 USC 5011 (b), under ss. 49.43 to 49.499 and 85.21, and under other public funds
7 administered by the county. An authority may contract with a county that is a
8 participating political subdivision for the authority to provide specialized
9 transportation services, but an authority is not an eligible applicant under s. 85.21
10 (2) (e) and may not receive payments directly from the department of transportation
11 under s. 85.21. individuals

12 (g) Acquire, own, hold, use, lease as lessor or lessee, sell or otherwise dispose
13 of, mortgage, pledge, or grant a security interest in any real or personal property or
14 service.

15 (h) Acquire property by condemnation using the procedure under s. 32.05 for
16 the purposes set forth in this section.

17 (i) Enter upon any state, county, or municipal street, road, or alley, or any public
18 highway for the purpose of installing, maintaining, and operating the authority's
19 facilities. Whenever the work is to be done in a state, county, or municipal highway,
20 street, road, or alley, the public authority having control thereof shall be duly
21 notified, and the highway, street, road, or alley shall be restored to as good a condition
22 as existed before the commencement of the work with all costs incident to the work
23 to be borne by the authority.

24 (j) Fix, maintain, and revise fees, rates, rents, and charges for functions,
25 facilities, and services provided by the authority.

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(k) Make, and from time to time amend and repeal, bylaws, rules, and regulations to carry into effect the powers and purposes of the authority.

(L) Sue and be sued in its own name.

(m) Have and use a corporate seal.

(n) Employ agents, consultants, and employees, engage professional services, and purchase such furniture, stationery, and other supplies and materials as are reasonably necessary to perform its duties and exercise its powers.

(o) Incur debts, liabilities, or obligations including the borrowing of money and the issuance of bonds under subs. ⁷(~~6~~) and ¹¹(~~9~~).

(p) Invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities, and other investments as the authority deems proper in accordance with s. 66.0603 (1m).[✓]

(q) Do and perform any acts and things authorized by this section under, through, or by means of an agent or by contracts with any person.

(r) Exercise any other powers that the board of directors considers necessary and convenient to effectuate the purposes of the authority, including providing for passenger safety.

(s) Impose, by the adoption of a resolution by the board of directors, the taxes under subch. V of ch. 77 in the authority's ^{jurisdictional area} ~~participating political subdivisions~~. With respect to any county, other than a county containing a 1st class city, that is a participating political subdivision, the taxes authorized under this paragraph may not be imposed in any municipality within the county that is not a participating political subdivision of the authority. If an authority adopts a resolution to impose the taxes, it shall deliver a certified copy of the resolution to the department of

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1 revenue at least 120 days before its effective date. The authority may, by adoption
2 of a resolution by the board of directors, repeal the imposition of taxes under subch.
3 V of ch. 77 and shall deliver a certified copy of the repeal resolution to the department
4 of revenue at least 120 days before its effective date.

5 ^{(B)(5)} ~~(4)~~ LIMITATIONS ON AUTHORITY POWERS. (a) Notwithstanding sub. (3) (a), (b), (c),
6 (d), (q), and (r), no authority, and no public or private organization with which an
7 authority has contracted for services, may provide service outside the jurisdictional
8 area of the authority unless the authority receives financial support for the service
9 under a contract with a public or other private organization for the service.

10 (b) Whenever the proposed operations of an authority would be competitive
11 with the operations of a common carrier in existence prior to the time the authority
12 commences operations, the authority shall coordinate proposed operations with the
13 common carrier to eliminate adverse financial impact for the carrier. This
14 coordination may include route overlapping, transfers, transfer points, schedule
15 coordination, joint use of facilities, lease of route service, and acquisition of route and
16 corollary equipment. If this coordination does not result in mutual agreement, the
17 proposals of the authority and the common carrier shall be submitted to the
18 department of transportation for arbitration.

19 ⁽⁴⁾ ~~(b)(c)~~ In exercising its powers under sub. ~~(3)~~, an authority shall consider any plan
20 of a metropolitan planning organization under 23 USC 134 that covers any portion
21 of the authority's jurisdictional area.

22 ^{(B)(6)(5)} ~~(5)~~ AUTHORITY OBLIGATIONS TO EMPLOYEES OF COUNTY MASS ~~TRANSPORTATION~~
23 SYSTEMS. (a) An authority acquiring a comprehensive unified local ~~transit~~ ^{transit}
24 system shall assume all of the employer's obligations under any contract between the
25 employees and management of the system to the extent allowed by law.

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or contracting for the superintendence of or operation of

1 (b) An authority acquiring, constructing, controlling, ~~or~~ operating a
2 comprehensive unified local ~~transportation~~ ^{transit} system shall negotiate an agreement
3 with the representative of the labor organization, notwithstanding s. 111.70 (2), (3),
4 and (6), that covers the employees affected by the acquisition, construction, control,
5 or operation to protect the interests of employees affected. This agreement shall
6 include all of the provisions identified in s. 59.58 (4) (b) 1. to 8. and may include
7 provisions identified in s. 59.58 (4) (c). An affected employee has all the rights and
8 the same status under subch. IV of ch. 111 that he or she enjoyed immediately before
9 the acquisition, construction, control, or operation and may not be required to serve
10 a probationary period if he or she attained permanent status before the acquisition,
11 construction, control, or operation.

12 (c) In all negotiations under this subsection, a senior executive officer of the
13 authority shall be a member of the authority's negotiating body.

14 ^(B) ~~(6)~~ ⁽⁷⁾ BONDS; GENERALLY. (a) An authority may issue bonds, the principal and
15 interest on which are payable exclusively from all or a portion of any revenues
16 received by the authority. The authority may secure its bonds by a pledge of any
17 income or revenues from any operations, rent, aids, grants, subsidies, contributions,
18 or other source of moneys whatsoever.

19 (b) An authority may issue bonds in such principal amounts as the authority
20 deems necessary. ^(c) Except with respect to refunding bonds under sub. ⁽¹⁰⁾ ~~(9)~~, bond
21 proceeds may be used only for capital expenditures related to the acquisition of
22 transit system equipment having a useful life of at least 5 years.

23 ^(d) ~~(1)~~ 1. Neither the members of the board of directors of an authority nor any
24 person executing the bonds is personally liable on the bonds by reason of the issuance
25 of the bonds.

*next
21-22*

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1 2. The bonds of an authority are not a debt of the participating political
2 subdivisions. Neither the participating political subdivisions nor the state ^{is} ~~are~~ liable
3 for the payment of the bonds. The bonds of any authority shall be payable only out
4 of funds or properties of the authority. The bonds of the authority shall state the
5 restrictions contained in this paragraph on the face of the bonds.

6 ^B ~~(8)~~ ~~(11)~~ ISSUANCE OF BONDS. (a) Bonds of an authority shall be authorized by
7 resolution of the board of directors. The bonds may be issued under such a resolution
8 or under a trust indenture or other security instrument. The bonds may be issued
9 in one or more series and may be in the form of coupon bonds or registered bonds
10 under s. 67.09. The bonds shall bear the dates, mature at the times, bear interest
11 at the rates, be in the denominations, have the rank or priority, be executed in the
12 manner, be payable in the medium of payment, ^g ~~at~~ ^{and} the places, and be subject to the
13 terms of redemption, with or without premium, as the resolution, trust indenture,
14 or other security instrument provides. Bonds of an authority are issued for an
15 essential public and governmental purpose and are public instrumentalities and,
16 together with interest and income, are exempt from taxes.

17 (b) The authority may sell the bonds at public or private sales at the price or
18 prices determined by the authority.

19 (c) If an officer whose signatures appear on any bonds or coupons ceases to be
20 an officer of the authority before the delivery of ^{the bonds or coupons} ~~such obligations~~, the officer's
21 signature shall, nevertheless, be valid for all purposes as if the officer had remained
22 in office until delivery of the bonds ^{or coupons} ~~or coupons~~.

23 ^B ~~(9)~~ ~~(8)~~ COVENANTS. An authority may do all of the following in connection with the
24 issuance of bonds:

25 (a) Covenant as to the use of any or all of its property, real or personal.

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1 (b) Redeem the bonds, or covenant for the redemption of the bonds, and provide
2 the terms and conditions of the redemption.

3 (c) Covenant as to charge fees, rates, rents, and charges sufficient to meet
4 operating and maintenance expenses, renewals, and replacements of any
5 ~~transportation~~ ^{transit} system, principal and debt service on bonds, creation and
6 maintenance of any reserves required by a bond resolution, trust indenture, or other
7 security instrument and to provide for any margins or coverages over and above debt
8 service on the bonds that the board of directors considers desirable for the
9 marketability of the bonds.

10 (d) Covenant as to the events of default on the bonds and the terms and
11 conditions upon which the bonds shall become or may be declared due before
12 maturity, as to the terms and conditions upon which this declaration and its
13 consequences may be waived, and as to the consequences of default and the remedies
14 of bondholders.

15 (e) Covenant as to the mortgage or pledge of, or the grant of a security interest
16 in, any real or personal property and all or any part of the revenues of the authority
17 to secure the payment of bonds, subject to any agreements with the bondholders.

18 (f) Covenant as to the custody, collection, securing, investment, and payment
19 of any revenues, assets, moneys, funds, or property with respect to which the
20 authority may have any rights or interest.

21 (g) Subject to sub. ~~(b)(6)~~ ^{(7)(c)}, covenant as to the purposes to which the proceeds
22 from the sale of any bonds may be applied, and as to the pledge of such proceeds to
23 secure the payment of the bonds.

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1 (h) Covenant as to limitations on the issuance of any additional bonds, the
2 terms upon which additional bonds may be issued and secured, and the refunding
3 of outstanding bonds.

4 (i) Covenant as to the rank or priority of any bonds with respect to any lien or
5 security.

6 (j) Covenant as to the procedure by which the terms of any contract with or for
7 the benefit of the holders of bonds may be amended or abrogated, the amount of
8 bonds, the holders of which must consent thereto, and the manner in which such
9 consent may be given.

10 (k) Covenant as to the custody and safekeeping of any of its properties or
11 investments, the insurance to be carried on the property or investments and the use
12 and disposition of insurance proceeds.

13 (L) Covenant as to the vesting in one or more trustees, within or outside the
14 state, of those properties, rights, powers, and duties in trust as the authority
15 determines.

16 (m) Covenant as to the appointing of, and providing for the duties and
17 obligations of, one or more paying agent or other fiduciaries within or outside the
18 state.

19 (n) Make all other covenants and do any act that may be necessary or
20 convenient or desirable in order to secure its bonds, or in the absolute discretion of
21 the authority, tend to make the bonds more marketable.

22 (o) Execute all instruments necessary or convenient in the exercise of the
23 powers granted under this section or in the performance of covenants or duties,
24 which may contain such covenants and provisions, as a purchaser of the bonds of the
25 authority may reasonably require.

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(1) (3) (10) (9) REFUNDING BONDS. An authority may issue refunding bonds for the purpose
of paying any of its bonds at or prior to maturity or upon acceleration or redemption.
An authority may issue refunding bonds at such time prior to the maturity or
redemption of the refunded bonds as the authority deems to be in the public interest.
The refunding bonds may be issued in sufficient amounts to pay or provide the
principal of the bonds being refunded, together with any redemption premium on the
bonds, any interest accrued or to accrue to the date of payment of the bonds, the
expenses of issue of the refunding bonds, the expenses of redeeming the bonds being
refunded, and such reserves for debt service or other capital or current expenses from
the proceeds of such refunding bonds as may be required by the resolution, trust
indenture, or other security instruments. To the extent applicable, refunding bonds
are subject to subs. (8) and (9).

(12) (5) (11) (10) BONDS ELIGIBLE FOR INVESTMENT. (a) Any of the following may invest funds,
including capital in their control or belonging to them, in bonds of the authority:

1. Public officers and agencies of the state.
2. Political subdivisions.
3. Insurance companies.
4. Trust companies.
5. Banks.
6. Savings banks.
7. Savings and loan associations.
8. Investment companies.
9. Personal representatives.
10. Trustees.
11. Other fiduciaries not listed in this paragraph.

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1 (b) The authority's bonds are securities that may be deposited with and
2 received by any officer or agency of the state or any political subdivision for any
3 purpose for which the deposit of bonds or obligations of the state or any political
4 subdivision is authorized by law.

5 ^(B) (12) ~~(11)~~ BUDGETS; RATES AND CHARGES; AUDIT. The board of directors of an authority
6 shall annually prepare a budget for the authority. Rates and other charges received
7 by the authority shall be used only for the general expenses and capital expenditures
8 of the authority, to pay interest, amortization, and retirement charges on bonds, and
9 for specific purposes of the authority and may not be transferred to any political
10 subdivision. The authority shall maintain an accounting system in accordance with
11 generally accepted accounting principles and shall have its financial statements and
12 debt covenants audited annually by an independent certified public accountant.

13 ^(B) (13) ~~(12)~~ WITHDRAWAL FROM AUTHORITY. (a) A participating political subdivision may
14 withdraw from an authority if all of the following conditions are met:

15 1. The governing body of the political subdivision adopts a resolution by a
16 majority vote of the members of the governing body requesting withdrawal of the
17 political subdivision from the authority and the resolution is ratified by the electors
18 at a referendum held in the political subdivision following the same procedure
19 specified in sub. (2) (d) 2. except that the referendum question need not include any
20 tax rate.

21 2. The political subdivision has paid, or made provision for the payment of, all
22 obligations of the political subdivision to the authority.

23 3. Any tax authorized under sub. ^{(4)✓} ~~(3)~~ (s) that is levied by the authority within
24 the political subdivision continues to be levied for the period of time for which the
25 authority has authorized the tax in a resolution imposing the tax under sub. ^{(4)✓} ~~(3)~~ (s)

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1 if such a resolution specifies a time period for the tax or until the effective date of a
2 tax repeal resolution under sub. (4)(s), whichever occurs first.

3 (b) If a political subdivision has withdrawn from an authority as provided in
4 par. (a), the political subdivision shall continue to receive transportation services
5 from the authority, in the same manner and to the same extent as those provided
6 prior to the withdrawal, for so long as the tax continues to be levied as provided in
7 par. (a) 3.

8 (c) If a political subdivision has withdrawn from an authority as provided in
9 par. (a), the articles of incorporation of the authority shall be amended to reflect the
10 withdrawal of the political subdivision and this amendment shall be filed and
11 published, in the same manner as a resolution, by the withdrawing political
12 subdivision and each participating political subdivision.

13 (d) Withdrawal of a political subdivision from an authority is subject to the
14 resolution provisions specified in sub. (2) (c) (11) ¹²⁰

15 (14) (13) DISSOLUTION OF AUTHORITY. An authority may be dissolved if the governing
16 bodies of a majority of the participating political subdivisions adopt resolutions by

17 a majority vote of the members of each governing body, recommending the

18 dissolution of the authority. Dissolution of an authority is subject to the resolution

19 provisions specified in sub. (2) (c) (11) ¹²⁰. Dissolution of an authority may not occur until

20 all outstanding indebtedness of the authority has been paid and all unexpended

21 funds returned to the participating political subdivisions that supplied them, or until

22 adequate provision has been made for the outstanding indebtedness or unexpended

23 funds. An authority may not be dissolved so long as it has bonds outstanding, unless

24 provision for full payment of such bonds, by escrow or otherwise, has been made

25 pursuant to the terms of the bonds or the resolution, trust indenture, or security

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1 instrument securing the bonds. The authority shall notify the department of
2 revenue of the authority's dissolution at least 120 days before the dissolution's
3 effective date.

4 **(14)** LIMITATION ON AUTHORITY FUNDING SOURCE. A political subdivision may
5 make an initial contribution of funds to an authority at the time the authority is
6 formed or at the time the political subdivision joins an existing authority. Thereafter,
7 no participating political subdivision may use any locally generated revenue,
8 including property taxes or sales taxes other than those authorized under sub. (2) (c)
9 10., for purposes of funding any transit system, including to transfer additional
10 funds to the authority. This subsection does not apply to any transit or program aids
11 that may be available to a participating political subdivision from the federal
12 government or the department of transportation for transfer to, use by, or the benefit
13 of the authority.

14 **(15)** OTHER STATUTES. ~~Except as provided in sub. (14),~~ this section does not limit
15 the powers of political subdivisions to enter into intergovernmental cooperation or
16 contracts or to establish separate legal entities under s. 66.0301 or 66.1021 or any
17 other applicable law, or otherwise to carry out their powers under applicable
18 statutory provisions. Section 66.0803 (2) does not apply to an authority.

19 **SECTION 11.** 67.01 (5) of the statutes is amended to read:

20 67.01 (5) "Municipality" means any of the following which is authorized to levy
21 a tax: a county, city, village, town, school district, board of park commissioners,
22 technical college district, metropolitan sewerage district created under ss. 200.01 to
23 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, transit
24 authority created under s. 66.1039, public inland lake protection and rehabilitation
25 district established under s. 33.23, 33.235, or 33.24, and any other public body

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1 empowered to borrow money and issue obligations to repay the money out of public
2 funds or revenues. "Municipality" does not include the state.

3 **SECTION 12.** 70.11 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is
4 amended to read:

5 70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.

6 Property owned by any county, city, village, town, school district, technical college

7 district, public inland lake protection and rehabilitation district, metropolitan

8 sewerage district, municipal water district created under s. 198.22, joint local water

9 authority created under s. 66.0823, transit authority created under s. 66.1039,

10 long-term care district under s. 46.2895 or town sanitary district; lands belonging

11 to cities of any other state used for public parks; land tax-deeded to any county or

12 city before January 2; but any residence located upon property owned by the county

13 for park purposes that is rented out by the county for a nonpark purpose shall not

14 be exempt from taxation. Except as to land acquired under s. 59.84 (2) (d), this

15 exemption shall not apply to land conveyed after August 17, 1961, to any such

16 governmental unit or for its benefit while the grantor or others for his or her benefit

17 are permitted to occupy the land or part thereof in consideration for the conveyance.

18 Leasing the property exempt under this subsection, regardless of the lessee and the

19 use of the leasehold income, does not render that property taxable.

20 **SECTION 13.** 71.26 (1) (b) of the statutes, as affected by 2007 Wisconsin Act 20,
21 is amended to read:

22 71.26 (1) (b) *Political units.* Income received by the United States, the state

23 and all counties, cities, villages, towns, school districts, technical college districts,

24 joint local water authorities created under s. 66.0823, transit authorities created

ASSEMBLY BILL 939**SECTION 13**

1 under s. 66.1039, long-term care districts under s. 46.2895 or other political units
2 of this state.

3 **SECTION 14.** Chapter 77 (title) of the statutes is amended to read:

4 **CHAPTER 77**

5 **TAXATION OF FOREST CROPLANDS;**

6 **REAL ESTATE TRANSFER FEES;**

7 **SALES AND USE TAXES;**

8 **COUNTY, TRANSIT AUTHORITY,**

9 **AND SPECIAL DISTRICT SALES AND**

10 **USE TAXES; MANAGED FOREST LAND;**

11 **RECYCLING SURCHARGE;**

12 **LOCAL FOOD AND BEVERAGE TAX;**

13 **LOCAL RENTAL CAR TAX;**

14 **PREMIER RESORT AREA TAXES;**

15 **STATE RENTAL VEHICLE FEE;**

16 **DRY CLEANING FEES;**

17 **REGIONAL TRANSIT AUTHORITY FEE**

18 **SECTION 15.** 77.54 (9a) (er) of the statutes is created to read:

19 77.54 (9a) (er) Any transit authority created under s. 66.1039.

20 **SECTION 16.** Subchapter V (title) of chapter 77 [precedes 77.70] of the statutes
21 is amended to read:

22 **CHAPTER 77**

23 **SUBCHAPTER V**

24 **COUNTY, TRANSIT**

ASSEMBLY BILL 939**AUTHORITY AND SPECIAL DISTRICT****SALES AND USE TAXES**

SECTION 17. 77.708 of the statutes is created to read:

77.708 Adoption by resolution; transit authority. (1) A transit authority

created under s. 66.1039, by resolution under s. 66.1039 ⁽⁴⁾ ~~(2)~~ (s), may impose a sales tax and a use tax under this subchapter at a rate not to exceed 0.5 percent of the gross receipts or sales price or, if lower, not to exceed the maximum rate established by resolution under s. 66.1039 (2) (c) 10. Those taxes may be imposed only in their entirety. The resolution shall be effective on the first day of the first calendar quarter that begins at least 120 days after the adoption of the resolution.

(2) Retailers and the department of revenue may not collect a tax under sub.

(1) for any transit authority created under s. 66.1039 after the calendar quarter during which the transit authority adopts a repeal resolution under s. 66.1039 ⁽¹⁴⁾ ~~(2)~~ (s) or dissolves as provided under s. 66.1039 ⁽¹⁴⁾ ~~(13)~~, except that the department of revenue may collect from retailers taxes that accrued before such calendar quarter and fees, interest, and penalties that relate to those taxes.

SECTION 18. 77.71 (intro.) [✓] of the statutes is amended to read:

77.71 Imposition of county, transit authority, and special district sales and use taxes. (intro.) Whenever a county sales and use tax ordinance is adopted under s. 77.70, a transit authority resolution is adopted under s. 77.708, or a special district resolution is adopted under s. 77.705 or 77.706, the following taxes are imposed:

SECTION 19. 77.71 (1) [✓] of the statutes is amended to read:

77.71 (1) For the privilege of selling, leasing, or renting tangible personal property and for the privilege of selling, performing, or furnishing services a sales

ASSEMBLY BILL 939**SECTION 19**

1 tax is imposed upon retailers at the rate of 0.5% in the case of a county tax, at the
2 rate under s. 77.708 in the case of a transit authority tax, or at the rate under s.
3 77.705 or 77.706 in the case of a special district tax of the gross receipts from the sale,
4 lease, or rental of tangible personal property, except property taxed under sub. (4),
5 sold, leased, or rented at retail in the county ~~or~~, special district, or transit authority's
6 jurisdictional area, or from selling, performing, or furnishing services described
7 under s. 77.52 (2) in the county ~~or~~, special district, or transit authority's jurisdictional
8 area.

9 **SECTION 20.** 77.71 (2) of the statutes is amended to read:

10 77.71 (2) An excise tax is imposed at the rate of 0.5% in the case of a county tax,
11 at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under
12 s. 77.705 or 77.706 in the case of a special district tax of the sales price upon every
13 person storing, using, or otherwise consuming in the county ~~or~~, special district, or
14 transit authority's jurisdictional area tangible personal property or services if the
15 property or service is subject to the state use tax under s. 77.53, except that a receipt
16 indicating that the tax under sub. (1), (3), or (4) has been paid relieves the buyer of
17 liability for the tax under this subsection and except that if the buyer has paid a
18 similar local tax in another state on a purchase of the same property or services that
19 tax shall be credited against the tax under this subsection and except that for motor
20 vehicles that are used for a purpose in addition to retention, demonstration, or
21 display while held for sale in the regular course of business by a dealer the tax under
22 this subsection is imposed not on the sales price but on the amount under s. 77.53
23 (1m).

24 **SECTION 21.** 77.71 (3) of the statutes is amended to read:

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77.71 (3) An excise tax is imposed upon a contractor engaged in construction activities within the county or, special district, or transit authority's jurisdictional area, at the rate of 0.5% in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price of tangible personal property that is used in constructing, altering, repairing, or improving real property and that becomes a component part of real property in that county or special district or in the transit authority's jurisdictional area, except that if the contractor has paid the sales tax of a county in the case of a county tax, transit authority, or of a special district in the case of a special district tax in this state on that property, or has paid a similar local sales tax in another state on a purchase of the same property, that tax shall be credited against the tax under this subsection.

SECTION 22. 77.71 (4) of the statutes, as affected by 2007 Wisconsin Act 11, is amended to read:

77.71 (4) An excise tax is imposed at the rate of 0.5 percent in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price upon every person storing, using or otherwise consuming a motor vehicle, boat, snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle or aircraft, if that property must be registered or titled with this state and if that property is to be customarily kept in a county that has in effect an ordinance under s. 77.70, ^{the jurisdictional area of} ~~a political subdivision participating in~~ a transit authority ^{77.708} ~~that has in effect a resolution under s. 68.1039(3)(s).~~ or in a special district that has in effect a resolution under s. 77.705 or 77.706, except that if the buyer has paid a

ASSEMBLY BILL 939

SECTION 22

1 similar local sales tax in another state on a purchase of the same property that tax
2 shall be credited against the tax under this subsection.

3 **SECTION 23.** 77.73 of the statutes is amended to read:

4 **77.73 Jurisdiction to tax. (1)** Retailers making deliveries in their
5 company-operated vehicles of tangible personal property, or of property on which
6 taxable services were performed, to purchasers in a county ~~or~~, special district, or
7 transit authority's jurisdictional area are doing business in that county ~~or~~, special
8 district, or jurisdictional area, and that county ~~or~~, special district, or transit
9 authority has jurisdiction to impose the taxes under this subchapter on them.

10 **(2)** Counties ~~and~~, special districts, and transit authorities do not have
11 jurisdiction to impose the tax under s. 77.71 (2) in regard to tangible personal
12 property purchased in a sale that is consummated in another county or special
13 district in this state, or in another transit authority's jurisdictional area, that does
14 not have in effect an ordinance or resolution imposing the taxes under this
15 subchapter and later brought by the buyer into the county ~~or~~, special district, or
16 jurisdictional area ~~participating political subdivision~~ of the transit authority that has imposed a tax
17 under s. 77.71 (2).

18 **SECTION 24.** 77.76 (1) of the statutes is amended to read:

19 **77.76 (1)** The department of revenue shall have full power to levy, enforce, and
20 collect county, transit authority, and special district sales and use taxes and may take
21 any action, conduct any proceeding, impose interest and penalties, and in all respects
22 proceed as it is authorized to proceed for the taxes imposed by subch. III. The
23 department of transportation and the department of natural resources may
24 administer the county, transit authority, and special district sales and use taxes in
25 regard to items under s. 77.61 (1).

ASSEMBLY BILL 939

1 **SECTION 25.** 77.76 (2) of the statutes is amended to read:

2 **77.76 (2)** Judicial and administrative review of departmental determinations
3 shall be as provided in subch. III for state sales and use taxes, and no county, transit
4 authority, or special district may intervene in any matter related to the levy,
5 enforcement, and collection of the taxes under this subchapter.

6 **SECTION 26.** 77.76 (3r) of the statutes is created to read:

7 **77.76 (3r)** From the appropriation under s. 20.835 (4) (gc) the department of
8 revenue shall distribute 98.5 percent of the taxes reported for each transit authority
9 that has imposed taxes under this subchapter, minus the transit authority portion
10 of the retailers' discount, to the transit authority no later than the end of the 3rd
11 month following the end of the calendar quarter in which such amounts were
12 reported. At the time of distribution the department of revenue shall indicate the
13 taxes reported by each taxpayer. In this subsection, the "transit authority portion
14 of the retailers' discount" is the amount determined by multiplying the total
15 retailers' discount by a fraction the numerator of which is the gross transit authority
16 sales and use taxes payable and the denominator of which is the sum of the gross
17 state and transit authority sales and use taxes payable. The transit authority taxes
18 distributed shall be increased or decreased to reflect subsequent refunds, audit
19 adjustments, and all other adjustments of the transit authority taxes previously
20 distributed. Interest paid on refunds of transit authority sales and use taxes shall
21 be paid from the appropriation under s. 20.835 (4) (gc) at the rate paid by this state
22 under s. 77.60 (1) (a). Any transit authority receiving a report under this subsection
23 is subject to the duties of confidentiality to which the department of revenue is
24 subject under s. 77.61 (5).

25 **SECTION 27.** 77.76 (4) of the statutes is amended to read:

ASSEMBLY BILL 939

SECTION 27

1 77.76 (4) There shall be retained by the state 1.5% of the taxes collected for
2 taxes imposed by special districts under ss. 77.705 and 77.706 and transit authorities
3 under s. 77.708 and 1.75% of the taxes collected for taxes imposed by counties under
4 s. 77.70 to cover costs incurred by the state in administering, enforcing, and
5 collecting the tax. All interest and penalties collected shall be deposited and retained
6 by this state in the general fund.

7 **SECTION 28.** 77.76 (5) of the statutes is created to read:

8 77.76 (5) If a retailer receives notice from the department of revenue that the
9 retailer is required to collect and remit the taxes imposed under s. 77.708, but the
10 retailer believes that the retailer is not required to collect such taxes because the
11 retailer is not doing business within the transit authority's jurisdiction, the retailer
12 shall notify the department of revenue no later than 30 days after receiving notice
13 from the department. The department of revenue shall affirm or revise its original
14 determination no later than 30 days after receiving the retailer's notice.

15 **SECTION 29.** 77.77⁽¹⁾ of the statutes is amended to read:

16 ~~77.77 Transitional provisions.~~ **(1)** The gross receipts from services subject
17 to the tax under s. 77.52 (2) are not subject to the taxes under this subchapter, and
18 the incremental amount of tax caused by a rate increase applicable to those services
19 is not due, if those services are billed to the customer and paid for before the effective
20 date of the county ordinance, special district resolution, transit authority resolution,
21 or rate increase, whether the service is furnished to the customer before or after that
22 date.

23 ~~77.77(2)~~ **(2)** Lease or rental receipts from tangible personal property that the lessor is
24 obligated to furnish at a fixed price under a contract entered into before the effective
25 date of a county ordinance, transit authority resolution, or special district resolution

ASSEMBLY BILL 939

1 are subject to the taxes under this subchapter on the effective date of the ordinance
2 or resolution, as provided for the state sales tax under s. 77.54 (18).

3 *insert 37-2* *SECTION 29. 77.77(3) of the statute is amended to read:*
4 **77.77 (3)** The sale of building materials to contractors engaged in the business of
5 constructing, altering, repairing or improving real estate for others is not subject to
6 the taxes under this subchapter, and the incremental amount of tax caused by the
7 rate increase applicable to those materials is not due, if the materials are affixed and
8 made a structural part of real estate, and the amount payable to the contractor is
9 fixed without regard to the costs incurred in performing a written contract that was
10 irrevocably entered into prior to the effective date of the county ordinance, special
11 district resolution, transit authority resolution, or rate increase or that resulted from
12 the acceptance of a formal written bid accompanied by a bond or other performance
guaranty that was irrevocably submitted before that date.

13 **SECTION 30.** 77.78 of the statutes, as affected by 2007 Wisconsin Act 11, is
14 amended to read:

15 **77.78 Registration.** No motor vehicle, boat, snowmobile, recreational vehicle,
16 as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle or aircraft that
17 is required to be registered by this state may be registered or titled by this state
18 unless the registrant files a sales and use tax report and pays the county tax, transit
19 authority tax, and special district tax at the time of registering or titling to the state
20 agency that registers or titles the property. That state agency shall transmit those
21 tax revenues to the department of revenue.

22 **SECTION 31.** 345.05 (1) (a) of the statutes is renumbered 345.05 (1) (am).

23 **SECTION 32.** 345.05 (1) (ag) of the statutes is created to read:

24 345.05 (1) (ag) "Authority" means a transit authority created under s. 66.1039.

25 **SECTION 33.** 345.05 (2) of the statutes is amended to read:

ASSEMBLY BILL 939

SECTION 33

1 345.05 (2) A person suffering any damage proximately resulting from the
2 negligent operation of a motor vehicle owned and operated by a municipality or
3 authority, which damage was occasioned by the operation of the motor vehicle in the
4 course of its business, may file a claim for damages against the municipality or
5 authority concerned and the governing body thereof of the municipality, or the board
6 of directors of the authority, may allow, compromise, settle and pay the claim. In this
7 subsection, a motor vehicle is deemed owned and operated by a municipality or
8 authority if the vehicle is either being rented or leased, or is being purchased under
9 a contract whereby the municipality or authority will acquire title.

10 **SECTION 34.** 611.11 (4) (a) of the statutes is amended to read:

11 611.11 (4) (a) In this subsection, “municipality” has the meaning given in s.
12 345.05 (1) (c), but also includes any transit authority created under s. 66.1039.

13 **SECTION 35. Effective dates.** This act takes effect on the day after publication,
14 except as follows:

15 (1) The repeal and recreation of section 40.02 (28) of the statutes takes effect
16 on January 1, 2010.

17 (END)

Insert ✓
38-17

D-Note

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2490/Plins
ARG:.....

1

2

INSERT 5 NOTE PREF:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Regional Transportation Authority.

This bill allows most cities, towns, villages, and counties (political subdivisions) to create regional transit authorities (RTAs), which are public bodies corporate and politic. Generally, the governing bodies of two or more political subdivisions may join together (participating political subdivisions) to jointly create an RTA by adopting identical resolutions (authorizing resolutions). The bill also permits a county, under certain circumstances, to unilaterally create an RTA. The bill allows a county to prevent the creation or joining of an RTA by a municipality within the county if the county adopts a resolution stating that it intends to create an RTA that will include the municipality in its jurisdictional area and initiating a study relating to this RTA. The municipality may create or join the RTA despite denial of approval by the county if the county does not complete the study relating to creation of its RTA within 18 months of denial of approval by the county or if the municipality is not included in the jurisdictional area of another RTA within 24 months of denial of approval by the county.

If an RTA has already been formed, additional political subdivisions may join the RTA by adopting authorizing resolutions identical to the authorizing resolutions if the RTA also adopts a resolution allowing the additional political subdivisions to join the RTA. Participating political subdivisions may generally amend or modify their authorizing resolutions, including to allow a new political subdivision to join the RTA, if, after any amendment or modification, the authorizing resolutions of all participating political subdivisions remain identical. Any RTA authorizing resolution must contain certain information, including all of the following:

1. The name of the RTA and a description or map of its jurisdictional area. "Jurisdictional area" is defined as the geographic area formed by the combined territorial boundaries of all participating political subdivisions except that for a county, it includes the portion of the county that is within the "county jurisdictional area". A county that is a participating political subdivision determines the county jurisdictional area as one of the following:

a. The portion of the county that is within the combined territorial boundaries of each of the cities, villages, and towns in the county that are also participating political subdivisions of the RTA.

b. The territorial boundaries of the county.

c. The combined territorial boundaries of each of the cities, villages, and towns in the county with at least 75 percent of their populations residing within a metropolitan planning area at the time of designation by the county.

To designate a county jurisdictional area under b. or c. above, a county must receive the approval of: (1) each political subdivision within the proposed county jurisdictional area that is a participating political subdivision in an RTA; and (2) each city, village, town, or tribal government within the proposed county jurisdictional area that is the owner, operator, or controlling authority of a transit system that serves, on average, at least 10 percent of the passengers served by all transit systems in the county over the 3 years preceding creation of the RTA.

2. The purpose of the RTA and the functions or services to be provided by the RTA.

3. The powers, duties, and limitations of the RTA.

4. The establishment and organization of a board of directors, in which all powers of the RTA are vested, the voting requirements for action by the board of directors, and the duties of the board of directors.

invert

5. The manner of selection, powers, and duties of the RTA's officers.

6. The method of financing the formation and operation of the RTA.

7. If authorized, the maximum rate and initial limits, if any, of the sales and use tax, not exceeding the statutory limit, that may be imposed by the RTA. The resolution must also include or refer to a transit plan for the RTA or refer to a previously approved transit plan. An authority must revise its transit plan at least once every 5 years.

8. A procedure by which a participating political subdivision may withdraw from the RTA and provisions for the disposition or distribution of any property, assets, and obligations of the RTA on withdrawal of a participating political subdivision from the RTA or on dissolution of the RTA.

The governing body of a political subdivision must approve by at least a majority vote the authorizing resolution creating or joining an RTA and, upon such approval, the governing body of the political subdivision may also require that the authorizing resolution be ratified by the electors at a referendum held in the political subdivision. Also, at least 30 days before approving an authorizing resolution, the governing body of a political subdivision must hold a public hearing on the resolution. Generally, a political subdivision may not participate in more than one RTA, whether created under this section or any other statute, except s. 59.58 (6) (a) 1., stats. However, a county may be a participating political subdivision in more than one authority created under this section.

An RTA may do all of the following:

1. Establish or acquire a comprehensive unified local transit system, which is a transit system comprised of bus lines and other public transit facilities generally within the jurisdictional area of the RTA. "Transit system" is defined to include land, structures, equipment, and other property for transit of passengers, including by bus, rail, or other form of mass transit. The RTA may operate this transit system or provide for its operation by another. The RTA may contract with a public or private organization to provide transit services in lieu of directly providing these services and may purchase and lease transit facilities to public or private transit companies.

2. Coordinate, provide, or assist in providing specialized transportation services for persons who are disabled or aged 60 or older.

3. Own or lease real or personal property.

4. Acquire property by condemnation.

5. Enter upon highways to install, maintain, and operate the RTA's facilities.

6. Impose, by the adoption of a resolution by the board of directors, a sales and use tax in the jurisdictional area of the RTA's participating political subdivisions at a rate of not more than 0.5 percent of the gross receipts or sales price or, if lower, not to exceed the maximum rate established by the authorizing resolution. This sales and use tax may be imposed in any city, town, or village within a county that is a participating political subdivision of an RTA or is within the "county jurisdictional area", as defined by the bill. The tax shall be uniform among the cities, villages, and towns that are within the same county.

7. Incur debts and obligations. An RTA may issue tax-exempt revenue bonds, secured by a pledge of any income or revenues from any operations or other source of moneys for the RTA. The bonds of an RTA are not a debt of its participating political subdivisions and neither the participating political subdivisions nor the state are liable for the payment of the bonds. Bond proceeds, except those derived from refunding bonds, may be used only for capital expenditures related to the acquisition of transit system equipment having a useful life of at least five years. The useful life limitation does not apply to expenditures made for the acquisition of all or part of an existing transit system.

8. Set fees and charges for functions, facilities, and services provided by the RTA.

9. Adopt bylaws and rules to carry out the powers and purposes of the RTA.

10. Sue and be sued in its own name.

11. Employ agents, consultants, and employees, engage professional services, and purchase furniture, supplies, and materials reasonably necessary to perform its duties and exercise its powers.

12. Invest funds not required for immediate disbursement.

13. Do and perform any authorized acts by means of an agent or by contracts with any person.

14. Exercise any other powers that the board of directors considers necessary and convenient to effectuate the purposes of the RTA, including providing for passenger safety.

The board of directors of an RTA must annually prepare a budget for the RTA. Rates and other charges received by the RTA must be used only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for specific purposes of the RTA and may not be transferred to any political subdivision. The RTA must maintain an accounting system in accordance with generally accepted accounting principles and must have its financial statements and debt covenants audited annually by an independent certified public accountant. For purposes of subch. III of ch. 19, stats., the board of directors of an RTA are considered local public officials, and as such are subject to the code of ethics for local public officials.

An RTA that acquires a transit system must assume all of the employer's obligations under any contract between the employees and management of the system to the extent allowed by law. An RTA that acquires, constructs, operates, or contracts for the operation of a transit system must negotiate an agreement with the representative of the labor organization that covers the employees affected by the acquisition, construction, or operation to protect the interests of employees affected, and that agreement must include specified provisions. Employees of the RTA are participatory employees under the Wisconsin Retirement System (WRS) if the RTA elects to join the WRS.

A participating political subdivision may withdraw from an RTA if: (1) the governing body of the political subdivision adopts a resolution requesting withdrawal from the RTA; (2) the political subdivision has paid, or made provision for the payment of, all obligations of the political subdivision to the RTA; and (3) any authorized sales and use tax that is levied by the RTA within the political subdivision continues to be levied for the period of time for which the tax is authorized. Unless otherwise agreed upon, if a political subdivision withdraws from an RTA, the political subdivision continues to receive services from the RTA for so long as the sales and use tax continues to be levied in the political subdivision.

An RTA may be dissolved if the authority adopts a resolution dissolving the RTA. Dissolution of an RTA may not occur until adequate provision has been made for payment of the RTA's outstanding indebtedness, including outstanding revenue bonds. Dissolution of an RTA, and withdrawal of a political subdivision from an RTA, is subject to provisions of the authorizing resolutions relating to, respectively, dissolution or withdrawal.

Current law provides limited immunity for cities, villages, towns, counties, and other political corporations and governmental subdivisions, and for officers, officials, agents, and employees of these entities, for acts done in an official capacity or in the course of employment. Claimants must generally follow a specified claims procedure and liability for damages is generally limited to \$50,000 except that no liability may be imposed for performance of a discretionary duty or for punitive damages. If a person suffers damage resulting from the negligent operation of a motor vehicle owned and operated by a county, city, village, town, school district, sewer district, or other political subdivision of the state in the course of its business, the person may file a claim for damages following this claims procedure and the amount of damages recoverable is

limited to \$250,000. This bill specifies that this provision related to claims and liability for negligent operation of a motor vehicle by a political subdivision applies to an RTA.

The bill also allows RTAs to participate in organizing municipal insurance mutuals to provide insurance and risk management services.

1

2

INSERT 6-1:

3

SECTION 1. 19.42 (7w) (e) of the statutes is created to read:

4

19.42 (7w) (e) The members of the board of directors of a transit authority

5

created under s. 66.1039.

6

INSERT 10-16:

7

(no P) "County jurisdictional area" means the geographical area designated by a
county under sub. (3) (a). ✓

9

INSERT 11-4:

10

(no P) within a county jurisdictional area under sub. (3) (a) 2. or 3. ✓

11

INSERT 11-13:

12

(no P) motor buses, fixed guideway transit, ridesharing, specialized transportation,
motor vehicles,

14

INSERT 12-19:

15

(no P) the required representation, if any, for each participating political subdivision
and city, village, or town within a county jurisdictional area designated under sub.
(3) (a) 2. or 3. ✓

17

18

INSERT 13-10:

19

(no P) including the initial limit on the rate of taxes that may be imposed by the
authority, if any,

20

21

INSERT 13-12:

1 (no 4) all cities, villages, and towns within the authority's jurisdictional area that are
2 within the same county. For purposes of this subdivision, an authority may declare
3 a participating political subdivision with territory in the jurisdictional area of the
4 authority and in more than one county to be wholly within one of those counties.

5 11. A transit plan or previously approved transit plan for the authority or
6 reference to a transit plan or previously approved transit plan set forth in detail
7 elsewhere. A transit plan under this subdivision shall provide opportunity for public
8 involvement in the transit plan development process.

9 **INSERT 14-10:**

10 (no 4) that would be within the jurisdictional area of the authority under the
11 resolution. ✓

12 **INSERT 14-23:**

13 (no 4) At the public hearing, the governing body of the political subdivision shall
14 solicit comments and recommendations on the preferred method under par. (d) for
15 approving the resolution.

16 (f) 1. A county may not be a participating political subdivision in an authority
17 under this section if it is a participating political subdivision of an authority
18 authorized under any other statute, except an authority created under s. 59.58 (6)
19 (a) 1. ✓

20 2. Subject to subd. 3., a county may be a participating political subdivision in
21 more than one authority under this section.

22 3. No portion of a city, village, or town may be included in the jurisdictional area
23 of more than one authority.

24 **INSERT 15-2:**

25 (no 4) that has designated a county jurisdictional area under sub. (3) (a) 1.

INSERT 17-2:

(i) 1. Subject to subd. 2., an identical resolution under par. (a) or (b) that is approved by a municipality under par. (d) is not effective unless approved by the county that contains the geographical area of the municipality to be included in the authority within 45 days of submission of the resolution to that county for approval.

For a county to withhold its approval under this paragraph, the county must adopt a resolution by which the county declares its intention to create an authority that will include the municipality in the authority's jurisdictional area, and declares that it will commence, or has commenced, a study relating to the creation of the authority.

2. An identical resolution that is not approved by a county under subd. 1. may go into effect, without county approval, unless each of the following occur:

a. The county that withheld approval completes its study relating to the creation of the authority under subd. 1. within 18 months after the county first withheld its approval of the resolution.

b. All of the geographic area of the municipality that is within the county that withheld approval is included within the jurisdictional area of an authority within 24 months after the county first withheld its approval of the resolution.

(j) A county that has designated a county jurisdictional area under sub. (3) (a) 2. or 3. may create an authority without joining together with one or more other political subdivisions to create the authority.

(3) COUNTY JURISDICTIONAL AREA. (a) Subject to par. (c), a county that is a participating political subdivision in an authority must designate, by resolution, the county jurisdictional area of the authority. The county jurisdictional area shall be one of the following:

1 1. The portion of the county that is within the combined territorial boundaries
2 of each of the cities, villages, and towns in the county that are also participating
3 political subdivisions of the authority.

4 2. The territorial boundaries of the county.

5 3. The combined territorial boundaries of each of the cities, villages, and towns
6 in the county with at least 75 percent of their populations residing within a
7 metropolitan planning area, as defined in 23 USC 134 (b) (1), at the time of
8 designation by the county.

9 (b) Under par. (a) 3., counties ^{that} ~~which~~ contain all or a part of more than one
10 metropolitan planning area may designate a county jurisdictional area for one or
11 more of the metropolitan planning areas for inclusion in the same authority or
12 different authorities.

13 (c) A county may not designate a county jurisdictional area under par. (a) 2. or
14 3. without prior approval, by resolution, by each city, village, town, or tribal
15 government wholly or partially within the proposed county jurisdictional area that
16 is any of the following:

17 1. The owner, operator, or controlling authority of a transit system that serves
18 at least 10 percent of the passengers, as expressed in unlinked trips, served by all
19 transit systems in the county on average over the 3 years preceding creation of the
20 authority, as determined by the department of transportation.

21 2. A participating political subdivision in an authority.

22 **INSERT 20-21:**

23 (c) An authority must revise its transit plan under sub. (2) (c) 11. at least once
24 every 5 years.

25

INSERT 21-22:

(no 9) This paragraph does not apply to expenditures made for the acquisition of all or part of an existing transit system.

INSERT 26-22:

(no 9) , including its obligations relative to any outstanding bonds issued by the authority

INSERT 27-3:

(no 9) Unless an earlier date for the termination of the provision of transit services has been agreed upon by the withdrawing political subdivision and the authority, if a political subdivision has withdrawn from an authority as provided in par. (a), the political subdivision shall continue to receive services from the authority, in the same manner and to the same extent as those provided to the remaining participating political subdivisions, for so long as the tax continues to be levied as provided in par. (a) 3. Nothing in this paragraph prohibits an authority from changing the manner and extent to which it provides services, including in the withdrawing political subdivision, as long as the services provided in the withdrawing political subdivision remain comparable to those provided in the remaining political subdivisions while the tax continues to be levied in the withdrawing political subdivision. The remaining political subdivisions may choose to increase the tax under sub. (4) (s) and are not required to extend the additional services provided by such additional tax to the withdrawing political subdivision if the additional tax is not also collected in the withdrawing political subdivision.

INSERT 34-17:

~~SECTION 2~~ 77.75 of the statutes is amended to read:

1 **77.75 Reports.** Every person subject to county, transit authority, or special
2 district sales and use taxes shall, for each reporting period, record that person's sales
3 made in the county or special district, or jurisdictional area of a transit authority,
4 that has imposed those taxes separately from sales made elsewhere in this state and
5 file a report of the measure of the county or special district sales and use taxes and
6 the tax due thereon separately.

7 **INSERT 36-22:**

8 ~~SECTION 36-22~~ 77.77 (1) of the statutes, as affected by 2009 Wisconsin Acts 2 and

9 ⓪ ... (this act), is repealed and recreated to read:

10 77.77 (1) (a) The sales price from services subject to the tax under s. 77.52 (2)
11 or the lease, rental, or license of tangible personal property and property, items, and
12 goods specified under s. 77.52 (1) (b), (c), and (d), is subject to the taxes under this
13 subchapter, and the incremental amount of tax caused by a rate increase applicable
14 to those services, leases, rentals, or licenses is due, beginning with the first billing
15 period starting on or after the effective date of the county ordinance, special district
16 resolution, transit authority resolution, or rate increase, regardless of whether the
17 service is furnished or the property, item, or good is leased, rented, or licensed to the
18 customer before or after that date.

19 (b) The sales price from services subject to the tax under s. 77.52 (2) or the lease,
20 rental, or license of tangible personal property and property, items, and goods
21 specified under s. 77.52 (1) (b), (c), and (d), is not subject to the taxes under this
22 subchapter, and a decrease in the tax rate imposed under this subchapter on those
23 services first applies, beginning with bills rendered on or after the effective date of
24 the repeal or sunset of a county ordinance, transit authority resolution, or special
25 district resolution imposing the tax or other rate decrease, regardless of whether the

1 service is furnished or the property, item, or good is leased, rented, or licensed to the
2 customer before or after that date.

NOTE: NOTE: Sub. (1) is shown as affected eff. 10-1-09 by 2009 Wis. Act 2. Prior to 10-1-09 it reads: NOTE:

3 (1) The gross receipts from services subject to the tax under s. 77.52 (2) are not subject to the taxes under this subchapter, and the incremental amount of tax caused
4 by a rate increase applicable to those services is not due, if those services are billed to the customer and paid for before the effective date of the county ordinance, special
5 district resolution or rate increase, whether the service is furnished to the customer before or after that date.

History: 1985 a. 41; 1995 a. 56; 2009 a. 2.

7 **INSERT 37-2:**

8 **SECTION ~~77.77~~** 77.77 (2) of the statutes, as affected by 2009 Wisconsin Act 2, is
9 repealed.

10 **INSERT 38-17:**

11 *Treatment of Section*
(2) The repeal and recreation of section 77.77 (1) of the statutes and the repeal
12 of section 77.77 (2) of the statutes take effect on October 1, 2009.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2490/P1dn

ARG/.....

WLj

Date

ATTN: Larry Konopacki and Scott Grosz

Please review the attached draft carefully to ensure that it is consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2672/P1dn
ARG:wlj:ph

April 15, 2009

ATTN: Larry Konopacki and Scott Grosz

Please review the attached draft carefully to ensure that it is consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
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Gary, Aaron

From: Grosz, Scott
Sent: Friday, April 24, 2009 10:25 AM
To: Gary, Aaron
Cc: Konopacki, Larry
Subject: RE: RTA - LRB-2672/P1

/1 - the Leg. Council recommended introduction at the last hearing, and I don't see anything else that needs to change before it is ready for intro.

Scott

From: Gary, Aaron
Sent: Friday, April 24, 2009 10:20 AM
To: Grosz, Scott
Cc: Konopacki, Larry
Subject: RE: RTA - LRB-2672/P1

You're right. Sorry about the error. After I correct it, do you want the redraft to be a /P2 or a /1?

Aaron

Aaron R. Gary
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From: Grosz, Scott
Sent: Friday, April 24, 2009 9:33 AM
To: Gary, Aaron
Cc: Konopacki, Larry
Subject: RTA - LRB-2672/P1

Aaron,

Larry and I finished reviewing the RTA P-draft. He and I found only one item that appears to be in need of correction:

Page 18, Line 5: should the reference to bond issuance be to subs (7) and (10) instead of (7) and (11)?

Let me know if you agree. Except for that item, the draft appears to us to be ready to go.

Thanks for your help,

Scott

Scott Grosz
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Wisconsin Legislative Council
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